

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:07CR3079
)	
v.)	
)	
JOSE ROMO-CORRALES, FRANCISCO)	MEMORANDUM AND ORDER
GALVAN-VALDEZ,)	
)	
Defendants.)	
)	

The evidentiary hearing on the motion to suppress filed by defendant Jose Romo-Corrales, filing 45, is currently scheduled to be held on April 22, 2008.

Defendant Francisco Galvan-Valdez has moved to continue his deadline for filing pretrial motions, (filing 50), and in support of this motion explains that due to the schedule and significance of his counsel's on-going medical care, defendant's counsel has been unable to fully review this case and determine whether any pretrial motions should be filed.

The court has been advised that the evidence and issues underlying any suppression motion which may be filed by defendant Galvan-Valdez will be substantially the same as those currently raised in the suppression motion filed by defendant Jose Romo-Corrales. Based on the representations in defendant Galvan-Valdez' motion to continue, the court notes that his counsel will be receiving medical treatments every day during the week of April 21, including on April 22, 2008, and Galvan-Valdez' counsel will be unable to attend the evidentiary hearing as scheduled on defendant Romo-Corrales' motion to suppress.

Counsel for the government and defendant Romo-Corrales do not oppose continuing the suppression hearing from April 22, 2008 to mid-July, 2008.

IT THEREFORE HEREBY IS ORDERED:

1. The evidentiary hearing on defendant Jose Romo-Corrales' motion to suppress, (filing 45), is continued, and the hearing will be held before the undersigned on July 14, 2008 beginning at 1:30 p.m.
2. The motion for enlargement of time filed by the defendant Galvan-Valdez, (filing 50), is granted. Pretrial motions on behalf of defendant Galvan-Valdez shall be filed on or before May 30, 2008.
3. The court further finds that the ends of justice will be served by granting defendant Galvan-Valdez' motion to continue the deadline for filing pretrial motions, and outweigh the interests of the public and the defendants in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and May 30, 2008, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant Galvan-Valdez needs additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of April, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge